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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-09-00700 DLJ
11)
Plaintiff,) **STIPULATION AND ORDER**
12) **CONTINUING STATUS HEARING**
v.)
13) Hearing Date: September 18, 2009
ROBERT L. DANIELS,) Requested Date: October 2, 2009
14)
Defendant.)
15 _____)

16 The above-captioned matter is set on September 18, 2009 before this Court for a status
17 hearing. The parties jointly request that this Court continue the matter to October 2, 2009 at
18 9:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
19 3161(H)(7)(A) and (B)(iv), between the date of this stipulation and October 2, 2009.

20 On July 8, 2009, the Grand Jury indicted Mr. Daniels as a felon in possession of a
21 firearm, in violation of 18 U.S.C. § 922(g). He faces a maximum possible sentence of ten years
22 in custody. The current status of the case is that the government has produced discovery and the
23 defense is still reviewing and processing the information provided. The defense requires
24 additional time to conduct an investigation and to review and collect certain records to determine
25 the estimated Guidelines calculation and to determine whether or not there will be a negotiated
26 disposition of the case.

Stip to Continue, 09-00700 DLJ

1 The requested continuance will allow the defense to complete its review of the discovery,
2 to investigate the underlying facts of the case, and to obtain and review additional records, if
3 necessary. The parties agree that the failure to grant this continuance would unreasonably deny
4 counsel for defendant the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence. The parties further stipulate and agree that the time from
6 September 18, 2009 to October 2, 2009, should be excluded in accordance with the provisions of
7 the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for effective preparation of
8 counsel.

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10 September 11, 2009

/s/

CHRISTINA McCALL
Assistant United States Attorney

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12 September 11, 2009

/s/

ANGELA M. HANSEN
Assistant Federal Public Defender

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16 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
17 within this efiled document.

/S/ ANGELA M. HANSEN

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by the continuance requested herein outweigh the best interest of the public and defendant in a speedy trial because the failure to grant the continuance would deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because defense counsel needs time to review the discovery and to conduct an investigation, which is necessary for the defense preparation of the case.

Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing date of September 18, 2009 is continued to October 2, 2009 at 9:00 a.m. It is FURTHER ORDERED that time is excluded from September 18, 2009 to October 2, 2009 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

September 14, 2009
Date


D. LOWELL JENSEN
Senior United States District Judge